

On June 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the containers thereof be salvaged, in so far as possible, and sold.

E. D. BALL, *Acting Secretary of Agriculture.*

9395. Adulteration and misbranding of mustard. U. S. * * * v. 42 Barrels of * * * Morehouse Prepared Old English Mustard. Judgment by default ordering destruction of the product. (F. & D. No. 14111. I. S. No. 10125-t. S. No. W-810.)

On December 22, 1920, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 42 barrels of Morehouse Prepared Old English Mustard, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Morehouse & Co., Los Angeles, Calif., arriving at Seattle on July 21, 1920, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Old English Style Mustard," was false and misleading and deceived and misled the purchaser since the said product contained mustard hulls, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 28, 1921, no claimant having appeared for the property, judgment by default was entered ordering the destruction of the product by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9396. Misbranding of Nut-All Brand oleomargarine. U. S. * * * v. Corkran, Hill & Co., a Corporation. Plea of nolo contendere. Fine, \$75 and costs. (F. & D. No. 14319. I. S. No. 16796-r.)

On May 17, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Corkran, Hill & Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 19, 1920, from the State of Maryland into the District of Columbia, of a quantity of Nut-All Brand oleomargarine, which was misbranded. The article was labeled in part: "Nut-All Brand Oleomargarine Manufactured By The Baltimore Butterine Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 20 per cent of cottonseed oil.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Nut-All," borne on the cartons containing the article, and the statement, to wit, "Nut Margarine," borne on the wrappers around the article, together with the design and device of a coconut tree and coconuts, borne on the cartons and wrappers aforesaid, regarding the article and the ingredients and substances contained therein, were false and misleading in that